

Presentment Date and Time: March 29, 2019 at 12:00 p.m. (ET)
Objection Deadline: March 28, 2019 at 4:00 p.m. (ET)

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*Counsel for the Post-Effective Date Debtors
and The ResCap Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

_____)	
In re:)	Case No. 12-12020 (MG)
)	
RESIDENTIAL CAPITAL, LLC, <u>et al.</u> ,)	Chapter 11
)	
Debtors.)	Jointly Administered
_____)	

**NOTICE OF PRESENTMENT OF STIPULATION AND ORDER PURSUANT TO
11 U.S.C. § 362(d) MODIFYING THE AUTOMATIC STAY IMPOSED BY 11 U.S.C. § 362(a)**

PLEASE TAKE NOTICE that pursuant to the *Order Pursuant to Bankruptcy Code Sections 105(a) and 362(d) for Entry of an Order Approving Procedures by Which Third Parties May Request and Obtain Stipulated Relief from the Automatic Stay to Commence or Continue Actions to Foreclose Senior Liens* [Docket No. 1824], the undersigned will present the attached proposed *Stipulation and Order Pursuant to 11 U.S.C. § 362(d) Modifying the Automatic Stay Imposed by 11 U.S.C. § 362(a)* (the “**Stipulation and Order**”), to the Honorable Martin Glenn, United States Bankruptcy Judge, at the United States Bankruptcy Court for the Southern District of New York (the “**Bankruptcy Court**”), Alexander Hamilton Custom House, One Bowling

Green, New York, New York 10004, Room 523, for signature on **March 29, 2019 at 12:00 p.m.**
(Prevailing Eastern Time).

PLEASE TAKE FURTHER NOTICE that objections, if any, to the Stipulation and Order must be made in writing, conform to the Federal Rules of Bankruptcy Procedure, the Local Bankruptcy Rules for the Southern District of New York, and the Notice, Case Management, and Administrative Procedures approved by the Bankruptcy Court [Docket No. 141], be filed electronically by registered users of the Bankruptcy Court's electronic case filing system, and be served, so as to be received no later than **March 28, 2019 at 4:00 p.m. (Prevailing Eastern Time)**, upon (a) counsel for The ResCap Liquidating Trust, Morrison & Foerster LLP, 250 West 55th Street, New York, NY 10019 (Attn: Norman S. Rosenbaum, Erica J. Richards, and James A. Newton); (b) co-counsel for The ResCap Liquidating Trust, Kramer Levin Naftalis & Frankel LLP, 1177 Avenue of the Americas, New York, NY 10036 (Attn: Kenneth H. Eckstein, Douglas H. Mannal, and Joseph A. Shifer); (c) the Office of the United States Trustee for the Southern District of New York, U.S. Federal Office Building, 201 Varick Street, Suite 1006, New York, NY 10014 (Attn: Tracy Hope Davis, Linda A. Riffkin and Brian S. Masumoto); (d) the Office of the United States Attorney General, U.S. Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530-0001 (Attn: U.S. Attorney General, Jeff Sessions); (e) Office of the New York State Attorney General, The Capitol, Albany, NY 12224-0341 (Attn: Nancy Lord and Enid N. Stuart); (f) Office of the U.S. Attorney for the Southern District of New York, One St. Andrews Plaza, New York, NY 10007 (Attn: Joseph N. Cordaro); (g) counsel for Ally Financial Inc., Kirkland & Ellis LLP, 601 Lexington Avenue, New York, NY 10022 (Attn: Richard M. Cieri); (h) counsel for Ocwen Loan Servicing, LLC, Clifford

Chance US LLP, 31 West 52nd Street, New York, NY 10019 (Attn: Jennifer C. DeMarco & Adam Lesman); (i) counsel for Berkshire Hathaway, Inc., Munger, Tolles & Olson LLP, 355 South Grand Avenue, Los Angeles, CA 90071 (Attn: Seth Goldman & Thomas B. Walper); (j) Internal Revenue Service, P.O. Box 7346, Philadelphia, PA 19101-7346 (if by overnight mail, to 2970 Market Street, Mail Stop 5-Q30.133, Philadelphia, PA 19104-5016); (k) Securities and Exchange Commission, New York Regional Office, 3 World Financial Center, Suite 400, New York, NY 10281-1022 (Attn: George S. Canellos, Regional Director); and (l) counsel for the Requesting Party, RAS Boriskin, LLP, 900 Merchants Concourse, Westbury, New York 11590 (Attn: Cleo Sharaf-Green).

PLEASE TAKE FURTHER NOTICE that, if no objections to the Stipulation and Order are timely filed, served and received in accordance with this Notice, the Court may enter the Stipulation and Order without further notice or hearing.

Dated: March 21, 2019
New York, New York

Respectfully submitted,

/s/ Norman S. Rosenbaum
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James A. Newton
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*Counsel for the Post-Effective Date Debtors
and The ResCap Liquidating Trust*

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RESIDENTIAL CAPITAL, LLC, <u>et al.</u> ,)	Chapter 11
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Debtors.)	Jointly Administered
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**STIPULATION AND ORDER PURSUANT TO 11 U.S.C. § 362(d)
MODIFYING THE AUTOMATIC STAY IMPOSED BY 11 U.S.C. § 362(a)**

WHEREAS Ocwen Loan Servicing, LLC (“**Requesting Party**”), as Servicer for U.S. Bank National Association, as Trustee under The Pooling and Servicing Agreement, dated as of August 1, 2004, 2004-CB6 Trust, C-Bass Mortgage Loan Asset-Backed Certificates, Series 2004-CB6 (“**US Bank**”), asserts that it holds an ownership interest on lands and premises of Deryl Srygley and Linda K. Wise-Srygley (the “**Owners**”) with an address of 13013 Forest Glen Drive, Burnsville, Minnesota 55337-2436 (the “**Mortgaged Property**”);

WHEREAS undersigned counsel represents the Requesting Party;

WHEREAS the relevant land records reflect that GMAC Mortgage, LLC, one of the above-captioned debtors (the “**Debtors**” and, together with Requesting Party, the “**Parties**”) also holds a mortgage and security interest on the Mortgaged Property;

WHEREAS on May 31, 2012, the United States Bankruptcy Court for the District of Minnesota entered an order in the Owners’ bankruptcy proceedings, approving a modification to their chapter 13 plan and providing for the surrender of the Mortgaged Property to the senior mortgagee on the Mortgaged Property;

WHEREAS on December 13, 2012, Owners delivered to US Bank that certain Warranty Deed (In Lieu of Foreclosure) (the “**Deed in Lieu**”), recorded as document number 2938247 by the County Recorder of Dakota County, MN;

WHEREAS the Requesting Party has requested (the “**Request**”) relief from the automatic stay, pursuant to section 362(d) of title 11 of the United States Code (the “**Bankruptcy Code**”), to commence and complete a quiet title with respect to the Mortgaged Property;

WHEREAS the Debtors, following a review of their records have determined that to the best of their knowledge they no longer hold an interest in the Mortgaged Property;

WHEREAS the Debtors have agreed to consent to the Request on the terms and conditions contained in this Stipulation and Order;

NOW, THEREFOR, it is hereby stipulated and agreed as between the Parties to this Stipulation and Order, through their undersigned counsel, as follows:

ORDERED, ADJUDGED, AND DECREED THAT:

1. The Request is granted as set forth herein.
2. To the extent applicable, the automatic stay imposed in this case by section 362(a) of the Bankruptcy Code is modified under section 362(d) of the Bankruptcy Code to the extent necessary to allow Requesting Party to commence and complete a quiet title with respect to the Mortgaged Property.
3. Nothing in this Stipulation and Order shall be deemed to affect in any way the rights of any entity, including the Debtors or The ResCap Liquidating Trust, to contest in any proceeding the validity of the Deed in Lieu, or the validity or relative

priority of the Requesting Party's mortgage and security interest in the Mortgaged Property relative to any other any other security interest in such Mortgaged Property.

4. The Requesting Party shall provide due notice to the Debtors, The ResCap Liquidating Trust¹, and Green Tree Servicing LLC², in connection with any action to be taken with respect to the Mortgaged Property, including, but not limited to proceeding with a sale of the Mortgaged Property, in accordance with and to the extent required by applicable state law.

5. By entering into this Stipulation and Order, Requesting Party hereby represents that it is an agent for US Bank, with authority to seek relief from the automatic stay and enter into this Stipulation on US Bank's behalf.

6. This Stipulation and Order may not be modified other than by a signed writing executed by the Parties hereto or by further order of the Court.

7. This Stipulation and Order may be executed in multiple counterparts, each of which shall be deemed an original but all of which when taken together shall constitute one and the same instrument.

8. Pursuant to Bankruptcy Rule 4001(a)(3), the 14-day stay of this Stipulation and Order imposed by such Bankruptcy Rule is waived. Requesting Party is authorized to implement the provisions of this Stipulation and Order immediately upon its entry.

¹ Notices should be served on the Debtors and The ResCap Liquidating Trust, at Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808 and 8400 Normandale Lake Boulevard, Suite 920, Bloomington, MN 55437.

² Notices should be served on Green Tree Servicing LLC via email at: Foreclosure_Team@gt-cs.com or via mail addressed to: Green Tree Servicing LLC, Mailstop: R214, 1400 Turbine Drive, Rapid City, SD 57703.

9. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation and interpretation of this Stipulation and Order.

<p>GMAC MORTGAGE, LLC</p> <p>By: <u>/s/ Norman S. Rosenbaum</u> Norman S. Rosenbaum Erica J. Richards James A. Newton MORRISON & FOERSTER LLP 250 West 55th Street New York, New York 10019 Telephone: (212) 468-8000 Facsimile: (212) 468-7900</p> <p><i>Counsel for the Debtors and The ResCap Liquidating Trust</i></p>	<p>OCWEN LOAN SERVICING, LLC AS SERVICER FOR U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT, DATED AS OF AUGUST 1, 2004, 2004-CB6 TRUST, C-BASS MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2004-CB6</p> <p>By: <u>/s/ Cleo Sharaf-Green</u> Cleo Sharaf-Green RAS BORISKIN, LLP 900 Merchants Concourse Westbury, New York 11590 Telephone: (516) 280-7675 Facsimile: (516) 280-7674</p> <p><i>Counsel for Ocwen Loan Servicing, LLC as Servicer for U.S. Bank National Association, as Trustee under The Pooling and Servicing Agreement, dated as of August 1, 2004, 2004- CB6 Trust, C-Bass Mortgage Loan Asset- Backed Certificates, Series 2004-CB6</i></p>
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APPROVED AND SO ORDERED

This ____ day of March____, 2019, in New York, NY.

HONORABLE MARTIN GLENN
UNITED STATES BANKRUPTCY JUDGE